



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

11:20 A.M.

TUESDAY, October 20, 2009

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Sheridan in the chair.

Representative Staskunas asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Reverend Tim Anderson, chaplain at the Home Health United Hospice in Baraboo.

Representative Benedict led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 95.

Absent with leave – Representatives Roth, Shilling, Suder and Wood – 4.

Vacancies – None.

LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for today's session for Representatives Shilling and Wood. Granted.

Representative Kleefisch asked unanimous consent for a leave of absence for today's session for Representatives Roth and Suder. Granted.

LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for part of today's session for Representative A. Williams. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 2 to **Assembly Bill 135** offered by Representatives Molepske Jr. and Roys.

Assembly substitute amendment 1 to **Assembly Bill 192** offered by committee on **Criminal Justice**.

Assembly substitute amendment 1 to **Assembly Bill 207** offered by Representative Benedict.

Assembly amendment 1 to **Assembly Bill 239** offered by Representative Jorgensen.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 250** offered by Representative Smith.

Assembly amendment 1 to **Assembly Bill 261** offered by Representative Kleefisch.

Assembly substitute amendment 1 to **Assembly Bill 271** offered by Representative Clark.

Assembly amendment 1 to **Assembly Bill 323** offered by Representative Kessler.

Assembly amendment 1 to **Assembly Bill 328** offered by Representative Schneider.

Assembly amendment 1 to **Assembly Bill 395** offered by committee on **Judiciary and Ethics**.

Assembly amendment 1 to **Assembly Bill 408** offered by Representative Davis.

Assembly amendment 1 to **Assembly Bill 462** offered by committee on **Children and Families**.

Assembly amendment 2 to **Assembly Bill 462** offered by committee on **Children and Families**.

Assembly amendment 1 to **Assembly Bill 472** offered by Representative Young.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 81

Relating to: commemorating the 100th anniversary of the founding of the Wisconsin Nurses Association.

By Representatives Pasch, Shilling, Cullen, M. Williams, Zigmunt, Hebl, Molepske Jr., Benedict, Berceau, Townsend, Young, A. Ott, Ballweg, Bernard Schaber, Roys, Milroy, Nelson, Petrowski, Seidel, Vukmir, Soletski, Kaufert, Barca and Pope–Roberts; cosponsored by Senators Robson, Sullivan, Darling, Lazich, Wirch, Lassa, Hopper, Taylor, Risser, Vinehout and Lehman.

To committee on **Rules**.

Assembly Bill 507

Relating to: voting at meeting's of the conservation congress.

By Representatives Mursau, Brooks, Gunderson, Kaufert, Kerkman, Knodl, LeMahieu, Montgomery, Nerison, A. Ott, Strachota, Suder and Townsend; cosponsored by Senator Holperin.

To committee on **Natural Resources**.

Assembly Bill 508

Relating to: submitting custody study reports to the parties and offering custody study reports in accordance with the rules of evidence.

By Representatives Seidel, Zigmunt, Vruwink, Turner, Clark, Berceau, Pridemore, Sinicki, Grigsby and Kessler; cosponsored by Senators Taylor and Plale.

To committee on **Children and Families**.

Assembly Bill 509

Relating to: exempting certain capital expenditures made by a technical college district from the requirement for a referendum.

By Representatives Shilling, Danou, Huebsch, Hixson, Soletski, Nerison, Mason, Brooks, Toles, Molepske Jr. and Zepnick; cosponsored by Senators Taylor and Vinehout.

To committee on **Colleges and Universities**.

Assembly Bill 510

Relating to: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

By Representatives Pasch, Turner, Berceau, Seidel and Roys; cosponsored by Senators Jauch and Lehman.

To committee on **Children and Families**.

Assembly Bill 511

Relating to: requiring a person arrested for a felony or a juvenile taken into custody for certain sexual assault offenses to provide a biological specimen for deoxyribonucleic acid analysis, inclusion of the analysis results in the Department of Justice deoxyribonucleic acid data bank, requiring the exercise of rule-making authority, and providing a penalty.

By Representatives Hraychuck, Sinicki, Krusick, Vos, Lothian, Townsend, A. Ott, Zepnick, Petrowski, Bies and Strachota; cosponsored by Senators Harsdorf, Plale, Vinehout, Kreitlow, Darling and Sullivan.

To committee on **Criminal Justice**.

COMMITTEE REPORTS

The committee on **Children and Families** reports and recommends:

Assembly Bill 462

Relating to: prohibiting a person who has been convicted or adjudicated delinquent for committing certain serious crimes or who is the subject of a pending criminal charge or delinquency petition for committing a serious crime from being licensed, certified, or contracted with to provide child care, from being employed or contracted as a caregiver of a child care provider, or from being permitted to reside at a premises where child care is provided and making an appropriation.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Grigsby, Seidel, Pope–Roberts, Sinicki, Berceau, Kestell, Pridemore and Spanbauer.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Grigsby, Seidel, Pope–Roberts, Sinicki, Berceau, Kestell, Pridemore and Spanbauer.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Grigsby, Seidel, Pope–Roberts, Sinicki, Berceau, Kestell, Pridemore and Spanbauer.

Noes: 0.

To committee on **Rules**.

TAMARA GRIGSBY

Chairperson

Committee on Children and Families

The committee on **Housing** reports and recommends:

Assembly Bill 277

Relating to: prohibiting discrimination in housing because of domestic abuse victim status and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.
Noes: 0.

To committee on **Rules**.

Assembly Bill 400

Relating to: requiring landlords to change locks.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.
Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.
Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.
Noes: 0.

To committee on **Rules**.

Assembly Bill 459

Relating to: the model academic standards for personal financial literacy.

Passage:

Ayes: 7 – Representatives Young, A. Williams, Turner, Pasch, Newcomer, Murtha and Honadel.
Noes: 0.

To committee on **Rules**.

LEON YOUNG
Chairperson
Committee on Housing

The committee on **Tourism, Recreation and State Properties** reports and recommends:

Senate Bill 241

Relating to: modifying the definition of all-terrain vehicle.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Van Akkeren, Clark, Hraychuck, Hilgenberg, Kaufert, Bies, Van Roy and M. Williams.
Noes: 0.

Concurrence as amended:

Ayes: 8 – Representatives Van Akkeren, Clark, Hraychuck, Hilgenberg, Kaufert, Bies, Van Roy and M. Williams.
Noes: 0.

To committee on **Rules**.

TERRY VAN AKKEREN
Chairperson
Committee on Tourism, Recreation and State Properties

The committee on **Transportation** reports and recommends:

Assembly Bill 341

Relating to: driving a motor vehicle while using a cellular telephone or other wireless telecommunications device and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Steinbrink, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone and Bies.
Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Steinbrink, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone and Bies.
Noes: 0.

To committee on **Rules**.

JOHN STEINBRINK
Chairperson
Committee on Transportation

REFERENCE BUREAU CORRECTIONS

Assembly Bill 411

1. Page 5, line 11: delete “of” and substitute “or”.

Assembly Joint Resolution 75

1. Page 2, line 15: delete “corner’s” and substitute “coroner’s”.

COMMUNICATIONS

October 16, 2009

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I would like to be added as a co-author to Assembly Bill 373, regarding providing information to a firearms dealer when purchasing a handgun.

Please contact me if you have any questions, or if I need to fill out additional paperwork regarding this request.

Sincerely,
PAT STRACHOTA
State Representative
58th Assembly District

AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

October 15, 2009

October 19, 2009

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 426, relating to authorizing the designation of a tax incremental district as distressed and expanding the use of donor tax incremental districts.

Sincerely,
KIM HIXSON
State Representative
43rd Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Office of State Employment Relations
Madison

October 15, 2009

To the Honorable, the Legislature:

I am pleased to forward the Fiscal Year 2009 report on employment of customers of the Wisconsin Works (W-2) program. Included in this report are the number of W-2 job seekers employed by each state agency and the classification of each position filled from July 1, 2007, through June 30, 2008. Of the 1,994 new hires to state employment, 110 or 5.5 percent were W-2 hires. This exceeds the state's hiring goal of 2 percent.

Attached is a copy of the W-2 Hiring Report. Please contact Claire Dehnert at (608) 267-1005 or email Claire.Dehnert@wisconsin.gov if you have questions or need additional information regarding this report.

Sincerely,
JENNIFER DONNELLY
Director

Referred to committee on **Children and Families**.

To the Honorable, the Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 2009. This satisfies the requirements of sec. 16.40 (3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of expenditures for the General Fund and other funds compared to the prior year.

The General Fund has an undesignated balance of \$89.6 million as of the end of the fiscal year. This is \$19.2 million higher than the balance of \$70.4 million projected in the estimate for [2009 Wisconsin Act 28](#) and other related budget legislation. This higher ending balance was due to less spending than estimated.

General-purpose revenue taxes were \$12.113 billion compared to \$13.043 billion in the prior year, a decrease of \$930 million or 7.1 percent. Actual revenue collections in fiscal year 2008-09 were \$1.173 billion less than the \$13.286 billion estimated in May 2008, a reduction of 8.8 percent. This dramatic fall off in revenue collections reflects the impact of the worst global and national economic conditions in decades on Wisconsin's economy. Compared with estimates reflected in [2009 Wisconsin Act 28](#) and other related budget legislation, actual collections were only \$4.3 million (0.04 percent) lower.

General-purpose revenue expenditures, excluding fund transfers, were \$12.744 billion compared to \$13.526 billion in the prior year, a decrease of \$782 million or 5.8 percent. This decrease reflects spending cuts to GPR appropriations and federal fiscal relief for education and Medicaid programs under the American Recovery and Reinvestment Act of 2009.

In fiscal year 2009, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local school districts, municipalities and counties. Local assistance accounted for 56.7 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 17.3 percent of total general purpose revenue expenditures. The University of Wisconsin accounted for 8.8 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 17.2 percent of the total.

The State of Wisconsin expects to publish its comprehensive annual financial report in December of 2009. The report will be prepared under generally accepted accounting principles.

Respectfully submitted,
MICHAEL L. MORGAN
Secretary of Administration
STEPHAN J. CENSKY, CPA
State Controller

State of Wisconsin
Legislative Audit Bureau
Madison

October 15, 2009

To the Honorable, the Legislature:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2007, through June 30, 2008. The audits were requested by the Department of Health Services (DHS). We were able to express an unqualified opinion on each Institute's financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue.

The Institutes reported mixed financial results for fiscal year 2007-08. Mendota reported a \$0.6 million gain in net assets, primarily as a result of increased settlements from the federal government. Winnebago reported a \$2.5 million loss in net assets because it did not generate enough revenue to cover its expenses. The cash balance in the Institutes' primary program revenue appropriation has been declining over the past five years. To address this decline, DHS approved increases in daily patient rates of 9.5 percent at both Institutes effective October 1, 2009. This follows rate increases of 9.5 percent at Mendota and 11.0 percent at Winnebago that were effective in October 2008.

We appreciate the courtesy and cooperation extended to us by DHS staff during our audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

CALENDAR OF TUESDAY, OCTOBER 20

Assembly Joint Resolution 75

Relating to: the life and public service of John Stanley.

SPECIAL GUEST

Representative Parisi introduced the family of John Stanley, including his wife, Theone, and his son, John Stanley, Jr., who were seated in the loggia.

The question was: Shall **Assembly Joint Resolution 75** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 75** be immediately messaged to the Senate. Granted.

SPECIAL GUEST

Representative Parisi introduced Kelli Betsinger, Darcy Burke and Shelly Trowbridge, the first Hometown Hero Award recipients of the 2009-2010 Session. Mrs. Betsinger, accompanied by her son, Noah, addressed the members from the rostrum.

Assembly Joint Resolution 76

Relating to: the second anniversary of WisconsinEye's commencement of broadcast operations.

The question was: Shall **Assembly Joint Resolution 76** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 76** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 78

Relating to: recall of enrolled 2009 Assembly Bill 8.

The question was: Shall **Assembly Joint Resolution 78** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 78** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 80

Relating to: commemorating the achievements and contributions of the University of Wisconsin-La Crosse on the occasion of its centennial.

The question was: Shall **Assembly Joint Resolution 80** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 80** be immediately messaged to the Senate. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 81** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 81

Relating to: commemorating the 100th anniversary of the founding of the Wisconsin Nurses Association.

The question was: Shall **Assembly Joint Resolution 81** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 81** be immediately messaged to the Senate. Granted.

Representative Barca asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

12:09 P.M.

RECESS

2:58 P.M.

The Assembly reconvened.

Speaker Pro Tempore Staskunas in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative A. Williams asked unanimous consent that her leave of absence be lifted. Granted.

Assembly Bill 213

Relating to: establishing and changing compensation for city and village elective offices; signing village contracts; bidding procedure for village public construction contracts; officer-of-the-peace status of village officers; publication by the city clerk of fund receipts and disbursements; village and 4th class city regulation of political signs; liability of counties and cities for mob damage; means of providing police and fire protection by cities and villages; holdover status of appointed city and village officers; use of the s. 32.05 procedure in villages for certain housing and urban renewal condemnation; and application of public contract bidder prequalification to 1st class cities.

The question was: Shall **Assembly Bill 213** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 213** be given a third reading. Granted.

The question was: **Assembly Bill 213** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 213** be immediately messaged to the Senate. Granted.

Assembly Bill 229

Relating to: the sale of home-canned food.

The question was: Shall **Assembly Bill 229** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 229** be given a third reading. Granted.

The question was: **Assembly Bill 229** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 229** be immediately messaged to the Senate. Granted.

Assembly Bill 332

Relating to: authorizing the use of airguns and crossbows under certain hunting licenses.

The question was: Shall **Assembly Bill 332** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 332** be given a third reading. Granted.

The question was: **Assembly Bill 332** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 332** be immediately messaged to the Senate. Granted.

Assembly Bill 355

Relating to: hunting of deer during the open bow hunting season.

The question was: Shall **Assembly Bill 355** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 355** be given a third reading. Granted.

The question was: **Assembly Bill 355** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 355** be immediately messaged to the Senate. Granted.

Assembly Bill 462

Relating to: prohibiting a person who has been convicted or adjudicated delinquent for committing certain serious crimes or who is the subject of a pending criminal charge or delinquency petition for committing a serious crime from being licensed, certified, or contracted with to provide child care, from being employed or contracted as a caregiver of a child care provider, or from being permitted to reside at a premises where child care is provided and making an appropriation.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 462** be withdrawn from the committee on **Rules** and be placed at the foot of today's calendar.

Representative Gottlieb objected.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 462** be withdrawn from the committee on **Rules** and be placed at the foot of today's calendar. Granted.

Assembly Bill 364

Relating to: Council on Offender Reentry.

The question was: Shall **Assembly Bill 364** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 364** be given a third reading. Granted.

The question was: **Assembly Bill 364** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 364** be immediately messaged to the Senate. Granted.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 280
Senate Bill 288

ACTION ON THE SENATE MESSAGE

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 280** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 280

Relating to: personal liability of officers, directors, and employees of child care providers.

By Senators Jauch, Vinehout, Coggs, Darling and Taylor; cosponsored by Representatives Grigsby, Jorgensen, Pasch, Pope–Roberts, Berceau, A. Williams, Fields, Sinicki, Mason, Barca and Petrowski.

The question was: Shall **Senate Bill 280** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 280** be given a third reading. Granted.

The question was: **Senate Bill 280** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 280** be immediately messaged to the Senate. Granted.

Assembly Bill 412

Relating to: personal liability of officers, directors, and employees of child care providers.

Representative Nelson asked unanimous consent that **Assembly Bill 412** be laid on the table. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 288** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 288

Relating to: Indian child welfare.

By Senators Jauch, Holperin, Vinehout, Coggs, Taylor, Lassa, Kreitlow, Lehman, Hansen, Robson, Risser, Plale, Erpenbach, S. Fitzgerald, Grothman, Olsen and Hopper; cosponsored by Representatives Hraychuck, Sherman, Grigsby, Roys, Pasch, Young, Berceau, Sinicki, Pope–Roberts, Seidel, Turner, Benedict, Hilgenberg, Shilling, Hubler, Clark, Mason, Nelson, Radcliffe, Soletski, Vruwink, Smith, Sheridan, Mursau, Roth, Kleefisch, Friske, Tauchen, Huebsch, Vos, Brooks and Ripp.

The question was: Shall **Senate Bill 288** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 288** be given a third reading. Granted.

The question was: **Senate Bill 288** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 95.

Noes – None.

Absent or not voting – Representatives Roth, Shilling, Suder and Wood – 4.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 288** be immediately messaged to the Senate. Granted.

Assembly Bill 421

Relating to: Indian child welfare.

Representative Nelson asked unanimous consent that **Assembly Bill 421** be laid on the table. Granted.

Assembly Bill 426

Relating to: authorizing the designation of a tax incremental district as distressed and expanding the use of donor tax incremental districts.

The question was: Shall Assembly amendment 1 to **Assembly Bill 426** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 426** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 426** be given a third reading. Granted.

The question was: **Assembly Bill 426** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kessler, Kestell, Knodl, Krusick, Lothian, Meyer, Molepske Jr., Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, A. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Radcliffe, Rhoades, Richards, Ripp, Roys, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, Vukmir, A. Williams, M. Williams, Young, Zepnick, Zigmunt, Zipperer and Speaker Sheridan – 81.

Noes – Representatives Gundrum, Kerkman, Kleefisch, Kramer, LeMahieu, Mason, Milroy, Montgomery, Nygren, J. Ott, Pridemore, Schneider, Vos and Ziegelbauer – 14.

Absent or not voting – Representatives Roth, Shilling, Suder and Wood – 4.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 426** be immediately messaged to the Senate. Granted.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 299

Senate Bill 309

Senate Bill 311

Senate Bill 310

ACTION ON THE SENATE MESSAGE

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 299** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 299

Relating to: public disclosure of certain information when child abuse or neglect results in death or serious injury or involves aggravated circumstances or when a child in an out-of-home placement commits suicide or is sexually abused by a caregiver.

By committee on Children and Families and Workforce Development.

The question was: Shall **Senate Bill 299** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 299** be given a third reading. Granted.

The question was: **Senate Bill 299** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 299** be immediately messaged to the Senate. Granted.

Assembly Bill 428

Relating to: public disclosure of certain information when child abuse or neglect results in death or serious injury or involves aggravated circumstances or when a child in an out-of-home placement commits suicide or is sexually abused by a caregiver.

Representative Nelson asked unanimous consent that **Assembly Bill 428** be laid on the table. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 309** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 309

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Association of State Prosecutors for the 2007–09 biennium, covering employees in the assistant district attorneys collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

The question was: Shall **Senate Bill 309** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 309** be given a third reading. Granted.

The question was: **Senate Bill 309** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 92.

Noes – Representatives Ballweg and Strachota – 2.

Paired for – Representative Shilling – 1.

Paired against – Representative Nass – 1.

Absent or not voting – Representatives Roth, Suder and Wood – 3.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 309** be immediately messaged to the Senate. Granted.

Assembly Bill 442

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Association of State Prosecutors for the 2007–09 biennium, covering employees in the assistant district attorneys collective bargaining unit, and authorizing an expenditure of funds.

Representative Nelson asked unanimous consent that **Assembly Bill 442** be laid on the table. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 311** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 311

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Teaching Assistants' Association, AFT, Local 3220, AFL–CIO, for the 2007–09 biennium, covering employees in the program, project, and teaching assistants of the University of Wisconsin–Madison and University of Wisconsin–Extension collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

The question was: Shall **Senate Bill 311** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 311** be given a third reading. Granted.

The question was: **Senate Bill 311** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Friske, Garthwaite, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jorgensen, Kaufert, Kessler, Kestell, Krusick, LeMahieu, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nelson, Nerison, A. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Radcliffe, Rhoades, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, A. Williams, Young, Zepnick, Ziegelbauer, Zigmunt and Speaker Sheridan – 74.

Noes – Representatives Ballweg, J. Fitzgerald, Gottlieb, Gundrum, Huebsch, Kerkman, Kleefisch, Knodl, Kramer, Lothian, Newcomer, Nygren, J. Ott, Pridemore, Stone, Strachota, Vos, Vukmir, M. Williams and Zipperer – 20.

Paired for – Representative Shilling – 1.

Paired against – Representative Nass – 1.

Absent or not voting – Representatives Roth, Suder and Wood – 3.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 311** be immediately messaged to the Senate. Granted.

Assembly Bill 443

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Teaching Assistants' Association, AFT, Local 3220, AFL–CIO, for the 2007–09 biennium, covering employees in the program, project, and teaching assistants of the University of Wisconsin–Madison

and University of Wisconsin–Extension collective bargaining unit, and authorizing an expenditure of funds.

Representative Nelson asked unanimous consent that **Assembly Bill 443** be laid on the table. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 310** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 310

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Professional Employees in Research, Statistics, and Analysis, WFT/AFT, AFL–CIO, for the 2007–09 biennium, covering employees in the professional research, statistics, and analysis collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

The question was: Shall **Senate Bill 310** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 310** be given a third reading. Granted.

The question was: **Senate Bill 310** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Friske, Garthwaite, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kessler, Kestell, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Mursau, Murtha, Nelson, Nerison, A. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Radcliffe, Rhoades, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zigmunt and Speaker Sheridan – 76.

Noes – Representatives Ballweg, J. Fitzgerald, Gottlieb, Gundrum, Kerkman, Kleefisch, Knodl, Kramer, Montgomery, Newcomer, Nygren, J. Ott, Pridemore, Stone, Strachota, Vos, Vukmir and Zipperer – 18.

Paired for – Representative Shilling – 1.

Paired against – Representative Nass – 1.

Absent or not voting – Representatives Roth, Suder and Wood – 3.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 310** be immediately messaged to the Senate. Granted.

Assembly Bill 444

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Professional Employees in Research, Statistics, and Analysis, WFT/AFT, AFL–CIO, for the 2007–09 biennium, covering employees in the professional research, statistics, and analysis collective bargaining unit, and authorizing an expenditure of funds.

Representative Nelson asked unanimous consent that **Assembly Bill 444** be laid on the table. Granted.

Pursuant to **Assembly Joint Resolution 78** and Assembly Rule **73 (8)**, **Assembly Bill 8** was referred to today’s calendar for further action.

Assembly Bill 8

Relating to: municipal quotas for retail intoxicating liquor licenses.

Assembly substitute amendment 2 to **Assembly Bill 8** offered by Representative Sherman.

The question was: Shall Assembly substitute amendment 2 to **Assembly Bill 8** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 8** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 8** be given a third reading. Granted.

The question was: **Assembly Bill 8** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 8** be immediately messaged to the Senate. Granted.

Speaker Pro Tempore Staskunas asked unanimous consent that the Assembly stand informal. Granted.

The Assembly stood informal.

3:53 P.M.

INFORMAL

4:10 P.M.

The Assembly reconvened.

Speaker Pro Tempore Staskunas in the chair.

Assembly Bill 462

Relating to: prohibiting a person who has been convicted or adjudicated delinquent for committing certain serious crimes or who is the subject of a pending criminal charge or

delinquency petition for committing a serious crime from being licensed, certified, or contracted with to provide child care, from being employed or contracted as a caregiver of a child care provider, or from being permitted to reside at a premises where child care is provided and making an appropriation.

Representative Nelson asked unanimous consent that **Assembly Bill 462** be withdrawn from today's calendar and referred to committee on **Rules**. Granted.

Senate Bill 188

Relating to: the use of golf carts in Governor Tommy G. Thompson Centennial State Park and Peshtigo River State Forest and granting rule-making authority.

The question was: Shall **Senate Bill 188** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 188** be given a third reading. Granted.

The question was: **Senate Bill 188** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 188** be immediately messaged to the Senate. Granted.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 72
Assembly Joint Resolution 73
Assembly Joint Resolution 75
Assembly Joint Resolution 76
Assembly Joint Resolution 78
Assembly Joint Resolution 80
Assembly Joint Resolution 81
Assembly Bill 111
Assembly Bill 112
Assembly amendments 3 and 4 to **Senate Bill 107**

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Students from Karcher Middle School in Burlington, guests of Representatives Kerkman, Vos and Lothian.

Students from Lyons Elementary School in Lyons, guests of Representatives Kerkman, Vos and Lothian.

Mrs. Jansen and her husband Orlando Jansen, guests of Representative Nelson.

Rachel Murray, guest of Representative Roys.

Former representative Dave Travis, guest of Representative Krusick.

Carol Stein and Mary Ellen McCormick, guests of Representative Richards.

Beverly Moll from Balsam Lake, guest of Representative Murtha.

Glenda Goldsmith from Amery, guest of Representative Murtha.

Kay Brathol-Hostvet from Madison, guest of Representative Murtha.

ANNOUNCEMENTS

Representative Hilgenberg asked unanimous consent that the Assembly adjourn in memory of Mary Louise Symon, who passed away on October 14. Granted.

Representative Huebsch asked unanimous consent that the Assembly adjourn in memory of former commissioner for the Public Service Commission of Wisconsin, Joe Mettner, who passed away on October 3. Granted.

Representatives Nelson and Soletski asked unanimous consent that the Assembly adjourn in memory of former congressman Jay Johnson, who passed away on October 17. Granted.

Representative Kessler asked unanimous consent that the Assembly adjourn in memory of Agnes Zeidler from Milwaukee, who passed away on September 23. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in memory of General Douglas MacArthur, Field Marshal of the Philippine Army, for his service in the Philippines and on the Bataan Peninsula. Granted.

Representatives Kerkman and Barca asked unanimous consent that the Assembly adjourn in honor of her mother, Marge Starzyk, and her mother-in-law, Mary Kerkman, on the occasion of their birthdays today. Granted.

Representatives Rhoades and Spanbauer asked unanimous consent that the Assembly adjourn in honor of Representative John Townsend, who recently announced his retirement from the Wisconsin State Assembly in 2010. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Vince and Karen Williams, on the occasion of the birth of their daughter, Gabriella Tess, born on April 20, 2009. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Dee and Terry Pettack-Lyons, on the occasion of the birth of their son, Collin Michael, born on October 4, 2009. Granted.

Representative Jorgensen asked unanimous consent that the Assembly adjourn in honor of Daphne Holterman, on the occasion of being named the 2009 World Dairy Expo Woman of the Year. Granted.

Representative Roys asked unanimous consent that the Assembly adjourn in honor of her fiance, Dan Reed on the occasion of his birthday today. Granted.

Representative Roys asked unanimous consent that the Assembly adjourn in honor of her future father-in-law, Kevin F. Reed, on the occasion of his birthday. Granted.

Representative Stone asked unanimous consent that the Assembly adjourn in honor of the Greendale High School Band for their 1st Place Class AA finish in the WSMA State Marching Band Championship for the 5th consecutive year. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of the Ashwaubenon High School Boys Soccer Team and the Boys and Girls Cross Country Teams for an outstanding year. Granted.

Representative Spanbauer asked unanimous consent that the Assembly adjourn in honor of the Fox Lake Elementary School in Waupun, for receiving a Wisconsin Promise School of Recognition Award for the 3rd consecutive year. Granted.

Representative Kaufert asked unanimous consent that the Assembly adjourn in honor of Butte des Morts Elementary School, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Kaufert asked unanimous consent that the Assembly adjourn in honor of Jefferson Elementary School in Menasha, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Fox Lake Elementary in

Waupun, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Redgranite Elementary School in Wautoma, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Coloma Elementary School in Westfield, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Neshkoro Elementary School in Westfield, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Pioneer-Westfield Middle School in Westfield, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of Wild Rose Elementary in Wild Rose, for receiving a Wisconsin Promise School of Recognition Award. Granted.

Representative Garthwaite asked unanimous consent that the Assembly adjourn in honor of Jerome Usgaard from Bloomington, in recognition of his outstanding coaching career and the Bloomington High School football field being named after him. Granted.

ADJOURNMENT

Representative Nelson moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, October 22.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:45 P.M.